

## MINUTES

### CITY PLAN COMMISSION/ARCHITECTURAL REVIEW BOARD

JANUARY 19, 2016

The City Plan Commission/Architectural Review Board of the City of Clayton, Missouri, met upon the above date at 5:30 p.m. Upon roll call, the following responded:

Present:

Chairman Steve Lichtenfeld  
Mark Winings, Aldermanic Representative  
Craig Owens, City Manager  
Josh Corson  
Sherry Eisenberg  
Pepe Finn

Absent:

Ron Reim

Also in Attendance:

Susan M. Istenes, AICP, Planning Director  
Louis Clayton, Planner

Chairman Lichtenfeld asked that all cell phone ringers be turned off, that conversations take place outside the meeting room and that those who wish to speak approach the podium and to be sure the green light on the microphone is on for property recording of this meeting.

## MINUTES

The minutes of the January 4, 2016 meeting were approved, after having been previously distributed to each member.

### CONDITIONAL USE PERMIT – MULTI-FAMILY RESIDENTIAL – 6609 CLAYTON ROAD

Bob Tomek, owner (one of three), was in attendance at the meeting.

Susan Istenes explained that the 6,500-square-foot property is located on the north side of Clayton Road between Concordia Lane and St. Rita Avenue. The property has a zoning designation of C-2 General Commercial District and is located in the Clayton Road Urban Design District. The property contains a two-story, 4,853-square-foot building which was constructed in 1930 and most

recently used as a multi-tenant office building. The building is currently vacant. An eight-space surface parking lot is located behind the building with access from the rear alley. The applicant proposes to convert the building to four 1,098-square-foot residential units. No exterior building alterations, site improvements or landscaping are proposed at this time. Multi-family residential developments are permitted in the Clayton Road Urban Design District subject to approval of a conditional use permit. The surrounding land uses include multi-family to the east and north, a commercial building and restaurant (Katie's Pizza) to the west, and a grocery store (Schnuck's) and shopping center across Clayton Road to the south. The proposed use appears to be compatible with surrounding uses. The Zoning Code requires two parking spaces for each dwelling unit in multi-family buildings. For this building, eight parking spaces are required, and eight parking spaces are provided in the surface parking lot behind the building. Based on the City's Bicycle Parking Regulations the proposed building is required to provide one bicycle rack; however, one has not been shown on the plans. Staff recommends that the applicant submit a site plan showing the location of the required bicycle rack in conformance with the Bicycle Parking Regulations, to be approved by staff prior to the issuance of a building permit. The building size and proposed use is comparable to other buildings nearby. The project is in compliance with the City's parking requirements and no exterior building alterations, site improvements or landscaping are proposed at this time. Staff is of the opinion that the proposed project meets the criteria for conditional use permit approval and recommends approval with the condition that the applicant submit a site plan showing the location of the required bicycle rack in conformance with the Bicycle Parking Regulations, to be approved by staff prior to the issuance of a building permit.

Mr. Tomek stated that he is one of three owners and that they bought the property back in October and filed for a Conditional Use Permit in November. He noted that the property was previously used as a 4-family apartment building and then converted to office, but has been vacant for a while. He informed the members that they will be happy to provide a bicycle rack as recommended by staff.

Chairman Lichtenfeld asked if these units will be rented out.

Mr. Tomek replied "yes".

Chairman Lichtenfeld asked about the properties to the east and west.

Mr. Tomek stated that to the left (west) is Katie's Pizza and to the right (east) is a 4-unit apartment building.

Chairman Lichtenfeld asked if the 4-unit apartment building is occupied.

Mr. Tomek indicated that he believes it is.

Hearing no questions or comments from the members at this time, Chairman Lichtenfeld solicited audience comments.

Barb Nauert, owner of 6607 Clayton Road, distributed an informational packet and began reading a letter in which she addressed zoning/use and code issues (copy of information/letter retained in project file).

Josh Corson commented that this Board doesn't deal with code issues.

Mr. Tomek stated that they will be bringing the building up to code and make it structurally sound. He stated that they don't flip buildings. He added that they've had the sewer line looked at and that it will be up to par. He stated that they have over forty projects under their belt and that they own and maintain 30 two to four unit buildings and that he's happy to provide addresses and/or provide tours. He commented that the rents will be a little higher than mentioned by Ms. Nauert and that they are often complimented by neighbors about the work they do after their renovations are complete. He noted that Louis [Clayton] has been great to work with.

Chairman Lichtenfeld asked if the building will have a forced air system.

Mr. Tomek stated that central air will be installed.

Ms. Nauert asked where the AC units will be located.

Mr. Tomek indicated that they are typically in the back.

Ms. Nauert asked why there will be no more greenspace.

Chairman Lichtenfeld informed Ms. Nauert that the zoning code requires 2 parking spaces per unit.

Louis Clayton stated that this is a commercial district and therefore, there are no coverage maximums like there is in residentially zoned districts. He reminded the members that they are compliant with the parking regulations.

Chairman Lichtenfeld asked if theoretically they could pave the entire site.

Louis Clayton's response was "yes, theoretically."

Susan Istenes reminded the members that as this is a request for conditional use, any conditions placed on the approval need to relate to use and that because it is often difficult to find properties that are compliant with parking regulations, which this one is compliant, she suggests that the parking not be reduced.

Chairman Lichtenfeld asked about compatibility.

Susan Istenes stated that this is an unusual situation whereby the use is converting from a more intense use (commercial) to a less intense one (residential); although some type of buffering between the two properties could be put in place.

Chairman Lichtenfeld asked about the commercial signage.

Susan Istenes stated it would need to be removed.

Louis Clayton stated that a sign modification could be requested but obviously there would be no reference to commercial tenants.

Susan Istenes stated that they could have a sign meeting the standards for a multi-family building per the sign code, but if anything more was desired, a modification would need to be requested.

Chairman Lichtenfeld asked about the code items.

Susan Istenes stated that nothing is being done on the building's exterior and reiterated that this is only a use issue. She noted that interior issues will be dealt with through the permitting/inspection process and that all necessary permits will be secured.

Chairman Lichtenfeld asked if any consideration is given to aesthetics given the area's historic designation.

Susan Istenes indicated that the area's historical designation has no bearing.

Pepe Finn stated that she appreciates Ms. Nauert's frustration with being given different answers about the use of the property and is troubled if the Planning Department can't provide consistent answers.

Susan Istenes stated that she has nothing in writing that she's aware of but that she would look into it. She noted that overlays can be very confusing and assured the members that staff strives to provide accurate information.

Chairman Lichtenfeld told Ms. Nauert that her comments and written correspondence are appreciated and suggested she speak with staff about the prior information she was given.

Hearing no further questions or comments, Josh Corson made a motion to recommend approval of the Conditional Use Permit to the Board of Aldermen per staff recommendation. The motion was seconded by Pepe Finn and unanimously approved by the members.

## ARCHITECTURAL REVIEW - MODIFICATION TO SIGN ORDINANCE – 230 SOUTH BRENTWOOD BOULEVARD

Pat Smith, sign contractor, was in attendance at the meeting.

Susan Istenes explained that in 2000, the Architectural Review Board approved the installation of a 12-square-foot, double-sided ground sign located in a landscaped area in front of the building. The sign was installed as approved. The applicant proposes to remove the existing sign and erect a new two-sided ground sign using the existing masonry sign base. The sign will be made of blue aluminum with internally illuminated white lettering. On December 21, 2015, the Architectural Review Board denied the applicant's request for a 23.3-square-foot ground sign. As a result, the applicant has submitted a revised design for a 15-square-foot ground sign. All other aspects of the proposal remain the same. The proposed sign measures 15 square feet, thereby exceeding the allowable 12 square feet by 3 square feet, or 25 percent. Therefore, approval of a sign modification is required in order to construct the sign as proposed. The Sign Regulations state that modifications should only be granted due to unusual conditions of the building or site. According to the applicant, the new sign will identify the building as an independent senior living community and the sign is consistent with the branding throughout other Bethesda communities. Staff is of the opinion that the applicant has not identified any unusual conditions of the building or site that necessitate a larger ground sign than permitted. Staff is of the opinion that the design and location of the proposed sign is acceptable; however, has concerns regarding the size. Although commercial and institutional buildings are permitted a ground sign up to 25 square feet, the Sign Regulations specifically limit multi-family buildings to ground signs up to 12 square feet. Staff is not aware of any past sign modification approvals for multi-family ground signs and recommends denial of the request as submitted.

Mr. Smith thanked the members for this re-review. He reminded them he was here about 3 weeks ago and was told to modify the plans by reducing the size of the sign. He asked that they consider the arch shape, noting they've already cut the logo. He stated that the elderly have a hard time seeing the sign. He stated that obviously they've downsized it and if they are required to make it even smaller, they will have to lose the arch.

Chairman Lichtenfeld stated that the letters are very extended vertically and suggested cutting them down [vertically]; he thinks the sign would look better and be more readable if that was done. He then suggested shaving off a few inches of total height to get it down closer to 12 square feet.

Mr. Smith commented that they will do what this Board decides, but asked them to consider allowing the sign to be installed as proposed.

Chairman Lichtenfeld stated that the lettering is not very readable.

Sherry Eisenberg stated that all caps would help and that the phrase “independent retirement living” doesn’t need to be seen so that lettering could be smaller.

Chairman Lichtenfeld stated that the sign needs to stay within 12 square feet. He asked if staff could approve a sign if it was reduced to 12 square feet.

Louis Clayton replied “yes”.

Chairman Lichtenfeld asked if this request should be denied, then.

Susan Istenes stated that a vote on the application before them needs to take place.

Hearing no further questions or comments, Josh Corson made a motion to approve the design and materials as proposed, but to deny the size of the sign as proposed. The motion was seconded by Pepe Finn and unanimously approved by the Board.

#### ARCHITECTURAL REVIEW – MODIFICATION TO SIGN ORDINANCE – 7725 CLAYTON ROAD

Ben Gladden, business owner, and Gary Feder, attorney representing Mr. Gladden on this matter, were in attendance at the meeting.

Susan Istenes explained that the subject property is located on the north side of Clayton Road between South Hanley Road and South Bemiston Avenue and has a zoning designation of C-1 Neighborhood Commercial District and is improved with a one-story, 1,800-square-foot commercial building that was constructed in 1950, currently occupied by Gladden Hair Design G Spa. The owner proposes to install a 15.7-square-foot sign above the left storefront window and a 3.8-square-foot sign above the right storefront window. The signs will be constructed of polished stainless steel and will be back-lit by LEDs. Pursuant to Section 425.040.1, the allowable amount of wall signage for this building is 15 square feet. The combined size of the two signs is 19.5 which exceeds the permitted size by 4.5 square feet, or 30 percent. Therefore, approval of a sign modification is required in order to construct the signs as proposed. The Sign Regulations state that modifications should only be granted due to unusual conditions of the building or site. According to the applicant, due to the high speeds at which motorists travel on Clayton Road and the complexity of the existing lane conditions, signage is not easily read from the street; the size of the proposed signs was determined based on the guidelines of the United States Sign Council; and, without the signs as proposed, the business will continue to suffer from the lack of visibility from Clayton Road. In staff’s opinion, the applicant has not identified unusual conditions with the building or site that would warrant an exception to the regulations to allow more signage than permitted. The site conditions specified by the applicant are experienced by other properties located along Clayton Road and are not unique to the subject property. The Sign Regulations allow multiple types of accessory signs in addition to wall signs which the business may utilize, including sidewalk signs, 9-square-foot temporary window signs, 3-square-foot sidewalk identification signs,

and other temporary banners and attention-getting devices associated with special events. For these reasons, staff does not support the requested sign modification to allow both proposed signs; however, staff does approve of the design and materials of the two signs and recommends denial of the request as submitted.

Mr. Feder stated that his wife is a client of Mr. Gladden and they live close by. He noted that he sits on the Strategic Planning Committee and one topic of discussion is Clayton Road. He asked that Mr. Gladden be allowed to proceed with the attractive signs as requested; that traffic conditions along Clayton Road differ as motorists are travelling at a higher rate of speed. He stated this is an opportunity to enhance the street and make it more attractive and that although the total square footage is in excess of what is permitted, the signs are not offensive or inconsistent and urged the members to vote favorably.

Mr. Gladden thanked the Board for the opportunity to present his proposal.

Note: Josh Corson left the meeting – 6:30 p.m.

Mr. Gladden's PowerPoint presentation was not able to be shown at this time due to a problem with the laptop equipment.

Mr. Gladden indicated that he is a direct person and just wants to enhance his building and the area, noting that he is happy to be in Clayton. He stated that he is at this Board's mercy as he has already had the signs made. He stated that the "G Spa" logo is dominant and in local magazines. He stated that he also goes by "David". He stated that he hopes the Board members find the signs attractive and of high standard materials. He indicated that many new clients ask him how long he's been at this location to which he replied "11 years" only to find out that these clients live nearby and didn't realize that he was there. He indicated that he did an internet search to determine how large his signs needed to be to be legible, taking the number of vehicles, number of traffic lanes and rate of speed on Clayton Road into consideration. He stated what he found was that the minimum letter height needs to be 14-inches; his start at 13-inches. He commented that the "G Spa" provides information on the services his business provides and that he is only over the allowable size by 2 square feet. He stated he tightened up the "Gladden Hair Design" lettering to the minimum size feasible. He informed the members that businesses are trying to survive and Clayton Road has its rewards, but it has its difficulties also.

At this time, a virtual map of Clayton Road and area businesses was presented.

Chairman Lichtenfeld informed Mr. Gladden that he understands the standards and that the City has no intention of harming his business. He asked Mr. Gladden if the bold logo (G Spa) will include/contain a red dot.

Mr. Gladden replied "no", noting that Gladden is who he is.

Chairman Lichtenfeld informed Mr. Gladden that he understands the reality of his business. He noted that most of the pictures included in his application submittal are nighttime shots and is concerned that the material won't show up in the daytime. He added that when he compares the former signage to the proposed signage the contrast of the letters on the awning was much better. He stated that the blue is noticeable; that he feels both signs are too large for the area they are in and on the east end, the vertical boundaries are being pushed; there is no border above the blue circle and the top of the "G" disappears. He added that on the west side, "Gladden Hair Design" appears to "muscle" the space and it seems more relatable if the signs were in the window below rather than column to column.

Mr. Gladden informed the members that he presented photos of the new signage with and without the "G Spa" sign to his clients and that out of 51 people asked only one preferred the one without the "G Spa" sign. He stated that the stainless steel signage can be seen as it has a mirror finish. He again referred to the information obtained from the internet regarding visible signage from the road.

Chairman Lichtenfeld reminded Mr. Gladden that the City has standards as well. He stated his comments have been made clear and asked if any other members had anything to share.

Mr. Gladden informed the members that he surveyed his clients and neighbors to determine how easy it is to locate his business and that most of them had difficulty. He stated that people look for awnings (i.e. State Farm's red awning), but businesses want to be recognized by their names.

Sherry Eisenberg commented that she agrees the signs seem tight.

Mr. Gladden indicated that the height of the letters on the 7-inch awning valance were 6-7-inches; the "Gladden" letters are only 13-inches tall.

Mark Winings stated that although the signs are attractive, they are tight for the space and larger than the City's ordinance permits. He added that he has not heard any hardship to justify allowing this modification.

Mr. Gladden stated that the practical difficulty is that signs can't be seen.

Mark Winings stated that the hardship is defined as an unusual condition on the building or the site and he's not sure what makes his business different from others.

Mr. Gladden again presented the Google maps of Clayton Road.

Pepe Finn stated then maybe the Ordinance needs to be changed.



Mr. Gladden stated that businesses have needs; he's been in this location for 11 years and is trying to attract new customers.

Chairman Lichtenfeld stated that the signs have to be viewed perpendicular or 45-degree angle before it is readable; he doesn't believe Clayton Road motorists will be able to read no matter the size.

Mr. Gladden indicated that the reason the signs are back-lit is because he is open until 8 p.m. He stated that this would be less of an issue if just the letters were calculated. He reminded the members that these signs are already made and he is at their mercy.

Chairman Lichtenfeld stated that he likes the materials/colors; his concern is daytime visibility and that the sizes of both signs are too big. He added that he does not see a hardship and doesn't believe the size would affect the visibility. He stated he wanted to see signs that meet the City's requirements. He asked staff if Mr. Gladden could come back with a revised submittal if this request is denied.

Mr. Gladden asked if he could only put up the "Gladden hair design" sign and omit the "G Spa" sign.

Chairman Lichtenfeld stated that it is his opinion that both signs are needed but it is his prerogative if he chooses to eliminate one of them.

Mr. Gladden reiterated that the signs are already made.

Hearing no further questions or comments, Pepe Finn made a motion to deny the request as submitted. The motion was seconded by Sherry Eisenberg and unanimously approved by the Board.

Being no further question or comments, this meeting adjourned at 7:30 p.m.

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Recording Secretary